THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.28914 OF 1995

DATE: 31st October 2006

Between:
G.V.Brahmanandam, s/o Veerabhadracharyulu,
aged 31 years, Assistant Engineer,
presently on deputation to A.P. State Urban
Development Housing Corporation Limited,
R.R. District, Lakadikapool, Hyderabad.

... Petitioner.

And

1. The Andhra Pradesh State Housing Corpn.,
   Limited, rep. by its Managing Director,
   Himayatnagar, Hyderabad and 2 others.

... Respondents

* * *

ORDER:

It appears that the impugned order dated 30.9.1993 was passed by the Collector and Executive Director, A.P. State Housing Corporation Limited, Nellore District, seeking to recover an amount of Rs.30,316/- purported to have been misappropriated by the petitioner in construction of weaker sections housing colonies at Udayagiri section.

2. The whole order seems to be based on the enquiry report purported to have been submitted by the enquiry officer. The very enquiry officer conducted confidential enquiry and concluded that the petitioner misappropriated an amount of Rs.30,316/-, therefore,

he is liable to pay an amount of Rs.32,200/- drawn by him.

3. In the entire enquiry report, there is no mention as to any notice being issued to the petitioner or any open enquiry was conducted in this regard. The very enquiry report shows that a confidential enquiry was conducted by the enquiry officer and submitted his report and that was the basis for passing the impugned order. I am of the opinion that the impugned order passed by the respondent No.3 suffers from gross violation of principles of natural justice. Therefore, the same is liable to be set-aside on this ground alone.

4. Accordingly, the impugned order is set aside and the writ petition is allowed. However, this will not preclude the authorities from conducting a fresh enquiry into the matter after putting the petitioner on notice and hearing him personally. No costs.

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C.V.RAMULU, J.

Date: 31st October 2006.
BSB